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Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Falkland Islands (Malvinas)*

Working paper prepared by the Secretariat

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Note: The information contained in the present working paper has been derived from information transmitted to the Secretary-General by the administering Power under Article 73 *e* of the Charter of the United Nations on 29 December 2014, in addition to information provided by the Government of Argentina and that available in public sources. Further details are contained in previous working papers, available from www.un.org/en/decolonization/workingpapers.shtml.

* A dispute exists between the Governments of Argentina and the United Kingdom of Great Britain and Northern Ireland concerning sovereignty over the Falkland Islands (Malvinas) (see ST/CS/SER.A/42).

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I. General

1. The Falkland Islands (Malvinas) is a Non-Self-Governing Territory administered by the United Kingdom of Great Britain and Northern Ireland, comprising two large islands, known as East and West Falkland, and hundreds of smaller islands, with a total area of about 12,173 km^2. The Islands are situated in the South Atlantic, about 770 km north-east of Cape Horn and about 480 km east of the South American mainland. South Georgia, located about 1,300 km south-east of the Falkland Islands (Malvinas) group, and the South Sandwich Islands, located about 750 km east-south-east of South Georgia, are administered from the Falkland Islands (Malvinas) as a separate Territory; the Governor of the Falkland Islands currently acts concurrently as Commissioner for South Georgia and the South Sandwich Islands. According to the administering Power, the population of the Falkland Islands (Malvinas) is more than 2,500 (not including residents temporarily absent and civilians working in conjunction with a Ministry of Defence garrison of approximately 1,200 troops of the United Kingdom), the largest population recorded since 1931. A dispute exists between the Governments of Argentina and the United Kingdom concerning sovereignty over the Falkland Islands (Malvinas), as established by the General Assembly in its resolution 2065 (XX) and subsequent relevant resolutions on the question of the Falkland Islands (Malvinas).

II. Constitutional and political issues

2. The Constitution approved in 2008, which came into force on 1 January 2009 (Statutory Instrument 2008, No. 2846), has been protested by Argentina (see A/63/542, annex I). Under the Constitution, members of the legislature elect a Speaker to preside over sessions of the Legislative Assembly. A Chief Executive is appointed by the Governor in agreement with the Legislative Assembly as head of the public service to implement policy. Questions of policy are considered by the Executive Council, which consists of three members of the Legislative Assembly who are elected annually from their own number, in addition to two ex officio members who have no voting rights. The Attorney General and the Commander of British Forces on the Islands have the right to attend meetings of the Executive Council but do not vote. The United Kingdom-appointed Governor has responsibility for foreign policy and defence. By the terms of the Constitution, the Governor, with the advice and consent of the Legislative Assembly, may make laws for the peace, order and good government of the Territory, whereas full power to make such laws is reserved for the British Crown.

3. As previously reported, out of the eight members of the Legislative Assembly who were elected on 7 November 2013 for a four-year term, five represent the Territory's urban constituency (Stanley) and three represent the Camp (i.e., outside the Territory's only town). Governor Colin Roberts assumed office on 29 April 2014. The next general election for members of the Legislative Assembly is expected to be held in November 2017.

4. In the course of 2014 and early 2015, Argentina and the United Kingdom continued to reiterate their respective positions regarding various constitutional, military and economic aspects of the sovereignty dispute over the Territory. That action included written démarches before the United Nations (see A/68/747, A/68/978, A/69/716 and A/69/756) and the issuance of press releases by the

Government of Argentina, such as a communiqué by its Ministry of Foreign Affairs and Worship dated 10 June 2014. Additional information on the respective positions of the administering Power and the Government of Argentina, including their respective statements made before the United Nations, can be found below.

III. Budget

5. The Territory's financial year runs from 1 July to 30 June. According to the administering Power, the 2013/14 operating budget amounted to approximately £54 million. The Territory makes every effort to maintain a balanced budget.

IV. Economic conditions

A. General

6. The real gross domestic product (GDP) of the Islands was estimated by the administering Power at £198.4 million in 2012. The per capita GDP the same year was approximately £77,500. The fishing industry remains the most important sector of the economy (accounting for about 50 to 60 per cent of GDP), with the tourism sector and other sectors, such as livestock production and processing, growing in recent years. According to the administering Power, the oil industry has contributed to 27 per cent of GDP. The Falkland Islands (Malvinas) has a very low rate of unemployment, which was recorded as less than 1 per cent in 2012, with almost 20 per cent of those employed having more than one job. The Territory's Infrastructure Development Plan identified key areas that would help to support economic growth.

B. Fisheries and agriculture

7. The Loligo, or *doryteuthis*, and Illex species of squid are the mainstay of the fisheries and economy of the Falkland Islands (Malvinas). According to the administering Power, the Fisheries Department is responsible for administering the fishing sector in the Territory; the largest contributor to GDP, it accounted for 34 per cent of the total GDP in 2012, and significant resources are invested to ensure that fish stocks are harvested on a sustainable basis.

8. Argentina has denounced the unilateral exploitation of natural resources by the United Kingdom. In addition, on 17 December 2014, the Presidents of the State parties and associated States of the Southern Common Market (MERCOSUR), in a special communiqué concerning hydrocarbon exploration and fishing on the Argentine continental shelf in the vicinity of the Malvinas Islands, reiterated their rejection of unilateral British activities, including the exploration and exploitation of renewable and non-renewable natural resources, in the disputed area (see A/69/775, annex, and para. 34).

9. The United Kingdom maintains its position that the Islanders are entitled to explore for and exploit their natural resources for their own economic benefit, as an integral part of their right to self-determination.

10. The acidic and infertile soils of the Islands, coupled with a windy and cool oceanic climate, naturally limit the cultivation of fields and focus the agriculture sector on rearing animals. Wool remains the main land-based export. The Department of Agriculture is responsible for administering the sector, recently promoting the development of a meat industry and of farming adjusted to produce dual-purpose sheep that would maximize returns from both meat and wool. The Territory has an ongoing five-year business plan in support of agriculture. In 2013, 58,000 sheep and lambs were reportedly processed.

C. Tourism

11. Tourism is a significant contributor to the Territory's economy, valued at approximately £8.5 million per year. According to the administering Power, the Falkland Islands Tourist Board continues to expand the Falkland Islands (Malvinas) tourism sector. The 2013 cruise season closed with a total of 31,622 passenger arrivals, an increase of 7 per cent since 2012. According to the administering Power, during 2014, work continued on updating the Territory's tourism development strategy to help boost sustainable land-based tourism in the Islands.

D. Transport, communications and utilities

12. The Territory has approximately 1,000 km of roads. According to the administering Power, during 2014, work in upgrading roads connecting outlying settlements and farms continued. In addition, a coastal shipping service, a regular ferry service and local air services continued to ensure links between settlements on the eastern, western and outlying islands.

13. In 2014, regular weekly service between Punta Arenas, Chile, and the Falkland Islands (Malvinas) continued to be available, including two monthly stopovers in Río Gallegos, mainland Argentina, in accordance with the provisions of the Joint Statement of 14 July 1999 between Argentina and the United Kingdom. Under the Exchange of Notes Flights and Navigation Agreement of February 2001, private flights are authorized, as are a number of medical evacuation flights from the Falkland Islands (Malvinas) to mainland Argentina, Chile and Uruguay.

14. In February 2010, in response to hydrocarbon-related activities carried out in waters around the Falkland Islands (Malvinas), Argentina issued Presidential Decree 256/2010 requiring authorization measures for vessels calling at Argentine ports or crossing Argentine waters. In this connection, the members of MERCOSUR and the Union of South American Nations (UNASUR) had previously decided to close their ports to "vessels flying the illegal flag of the Malvinas Islands". In 2014, implementation of those decisions continued.

15. For its part, during 2014, the United Kingdom continued to consider that the aforementioned Presidential Decree 256/2010 was not compliant with international law, including the United Nations Convention on the Law of the Sea, and to contend that, under international law, the Islanders had the right to develop their economy, including natural resources, for the Territory's benefit. In its communications to the United Nations, the United Kingdom also continued to protest measures aimed at isolating the Islanders and harming their economy and to express the hope that their

wishes would be respected, allowing them to develop their economy and home in peace.

16. Concerning telecommunications, according to the administering Power, approximately 75 per cent of households are connected via broadband to the Internet. With respect to utilities, a major wind farm meets approximately 26 per cent of urban electricity needs. Wind turbines are used in homesteads and small settlements.

E. Environment and hydrocarbons

17. According to the administering Power, the Territory works to uphold a number of environmental treaties and conventions. For its part, Argentina has rejected the territorial application of those treaties and conventions by the United Kingdom on the grounds that the Territory and its surrounding maritime areas are an integral part of Argentina.

18. During 2014, offshore exploration for hydrocarbons continued amid protests from Argentina, other Member States and regional and intergovernmental organizations.

19. According to official sources, during 2014, the Energy Secretariat of Argentina continued to carry out administrative proceedings against companies developing unauthorized hydrocarbon exploration activities in the area. In addition, following the adoption of Law 26.915, which amended Hydrocarbons Law 26.659 and introduced criminal definitions and penalties for those engaging directly or indirectly through a third party in any type of hydrocarbon exploration, extraction, transportation and/or storage activities within the Argentine continental shelf without authorization by Argentine authorities, Argentina sent advisory letters to companies directly or indirectly involved in those activities.

20. In 2014, the right of Argentina to take legal action with full respect for international law and the relevant resolutions against non-authorized hydrocarbon exploration and exploitation activities in the area under dispute was recognized in the outcomes of meetings of the following groups: the Ministers for Foreign Affairs of the States members of the Group of 77 (New York, 26 September 2014) (see A/69/423, annex); the Latin American Energy Organization (OLADE) (San Salvador, 7 November 2014); the Latin American Integration Association (ALADI) (Montevideo, 21 August 2014); and MERCOSUR (Caracas, 29 July 2014 and Paraná, Argentina, 17 December 2014). Most recently, the Presidents of MERCOSUR States parties and associated States, in a special communiqué issued in Paraná on 17 December 2014, reaffirmed their commitment to exchanging available information concerning any vessels or marine structures travelling to the Malvinas Islands, South Georgia Islands and South Sandwich Islands with cargo to be used for illegal hydrocarbon and/or mining activities on the Argentine continental shelf and the adoption of appropriate regulatory measures to prevent the entry into their ports of vessels or marine structures flying the illegal flag of the Malvinas Islands (see A/69/775, annex).

21. In 2014, the administering Power continued to express its position to Argentina that under international law, the continental shelf did not form part of Argentina; supported the right of the Islanders to develop their natural resources for

their own economic benefit as an integral part of their right of self-determination; and rejected the applicability of Argentine domestic legislation to those companies engaged in the Islands' hydrocarbon activities.

V. Social conditions

A. General

22. According to the administering Power, the Territory observes the principles contained in the Universal Declaration of Human Rights. The European Convention for the Protection of Human Rights and Fundamental Freedoms and other international human rights instruments, including the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child, have been extended to the Falkland Islands (Malvinas) by the administering Power.

23. For its part, Argentina has consistently rejected the territorial application by the United Kingdom of the various international instruments mentioned above, in addition to the designation of the Territory as an overseas territory of the United Kingdom or any other similar designation.

B. Public health

24. According to information transmitted by the administering Power, medical and dental treatment is free to all residents under a health agreement. There is one hospital in the Territory, which offers modern facilities with medical, dental and nursing staff, but no resident qualified optician. More complex treatments require medical evacuation.

C. Social security and welfare

25. According to the administering Power, the Falkland Islands Retirement Pensions Ordinance provides for mandatory fixed monthly contributions by all employers and employees between the ages of 17 and 64. A system of social welfare grants and pensions is in place to address cases of hardship and disability.

D. Education

26. Education in the Territory is free and compulsory for all children between the ages of 5 and 16, with access to preschool (nursery) education from the age of 4. According to the administering Power, post-secondary education, including university education, which is not available within the Islands, is funded by the Government of the Falkland Islands (Malvinas); in 2014, approximately 453 schoolchildren were registered (22 of whom were based in rural areas). There is a 100 per cent enrolment rate for all children of school age in the Islands and the current teacher/student ratios for primary school and secondary school are 1:10 and 1:14, respectively.

27. According to information provided by Argentina, inhabitants of the Falkland Islands (Malvinas) enjoy equality of access to the Argentine public education system. Additional information on the subject is contained in the 2014 report of the Secretary-General on offers by Member States of study and training facilities for inhabitants of Non-Self-Governing Territories (A/69/67, section II.B).

VI. Mine clearance and related matters

28. Under the 1997 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction (Ottawa Convention), States parties are obliged to clear anti-personnel mines in mined areas within 10 years of the Convention's entry into force, unless an extension is granted under the Convention.

29. In November 2008, the Ninth Meeting of States Parties to the Ottawa Convention granted the United Kingdom an extension until 1 March 2019. According to the administering Power, in addition to the completed projects in 2010 and 2013 to clear four and five mine areas, respectively, a further project to clear 23 mine areas was agreed upon. The project commenced in January 2015. A review of options for additional demining projects is under way.

30. As previously reported, in December 2009, the second Review Conference of the Ottawa Convention granted the request of Argentina for an extension until 1 January 2020. At the third Review Conference of the Ottawa Convention, held in Maputo from 23 to 27 June 2014, Argentina stated that its access to the anti-personnel mines in the Islands was still impeded and that mine-clearing planning would be developed in detail and implemented as soon as it exercised control over the areas in question, subject to a sovereignty dispute, or when both Argentina and the United Kingdom reached agreement over making progress in such planning.

VII. Participation in international organizations and arrangements

31. According to information provided by the administering Power, the Government of the Falkland Islands (Malvinas) attends various Commonwealth forums and is a member of the United Kingdom Overseas Territories Association and the South Atlantic Territories Cooperation Forum. Further, its representatives also participate, as members of the delegation of the United Kingdom, in other international meetings concerning matters affecting the Islanders' interests, to reflect their own views. It is the position of the Government of the United Kingdom that the Islanders should be able to attend all meetings affecting their interests in their own right.

32. Argentina is not a member of the aforementioned organizations. In accordance with the relevant resolutions of the United Nations which recognize the existence of a sovereignty dispute between Argentina and the United Kingdom, Argentina reaffirms the bilateral nature of the question of the Malvinas Islands and consequently rejects any attempt to enable participation of the Islanders on their own.

VIII. Consideration by intergovernmental organizations and forums

33. The question of the Falkland Islands (Malvinas) was addressed during a number of meetings held in 2014 and January 2015 by intergovernmental entities, including regional and subregional organizations, such as the Organization of American States (OAS) (Asunción, 5 June 2014), the Group of 77 and China (Santa Cruz de la Sierra, Bolivia (Plurinational State of), 15 June 2014 and New York, 26 September 2014), MERCOSUR (Caracas, 29 July 2014 and Paraná, 16 and 17 December 2014), ALADI (Montevideo, 21 August 2014), and OLADE (San Salvador, 7 November 2014). In the decisions of those meetings, the need for Argentina and the United Kingdom to resume negotiations to find a peaceful solution to the sovereignty dispute was reaffirmed.

34. Furthermore, the Group of 77 and China Santa Cruz de la Sierra, 15 June 2014 and New York, 26 September 2014), MERCOSUR (Caracas, 29 July 2014 and Paraná, 16 and 17 December 2014), ALADI (Montevideo, 21 August 2014) and OLADE (San Salvador, 7 November 2014), in decisions taken at their respective meetings, recalled the call on both parties to refrain from taking decisions that would imply introducing unilateral modifications in the situation while the Islands were going through the process recommended by the General Assembly of the United Nations, with some citing explicitly General Assembly resolution 31/49 of 1 December 1976 (see A/69/423, annex, and A/69/775, annex).

35. In addition, in the special communiqué on the question of the Malvinas Islands adopted at the twenty-fourth Ibero-American Summit of Heads of State and Government, held on 8 and 9 December 2014, the Heads of State and Government reaffirmed the need for the Governments of Argentina and the United Kingdom to resume negotiations as soon as possible, and, with regard to the unilateral actions being taken by the United Kingdom for the exploration and exploitation of renewable and non-renewable resources in the disputed area, recalled the international community's call for the two parties to refrain from taking decisions that would imply introducing unilateral modifications in the situation of the Malvinas Islands, in accordance with General Assembly resolution 31/49. They also noted that the reinforcement of the military presence in the disputed area, in violation of that resolution, ran counter to the policy of consistently seeking a peaceful settlement of the territorial dispute between the two Governments (see A/69/773, annex). The Heads of State and Government of the Community of Latin American and Caribbean States (CELAC), in the special declaration on the question of the Malvinas Islands adopted at its third Summit, held on 28 and 29 January 2015, reiterated the abiding interest of the countries of the region in the resumption of negotiations between the two Governments in order to find, as soon as possible, a peaceful and definitive solution to the dispute (see A/69/782, annex).

36. Furthermore, the Presidents of MERCOSUR States parties and associated States and the Heads of State and Government of CELAC, in their respective decisions of 17 December 2014 and 29 January 2015, recalled that 16 December 2015 would mark the fiftieth anniversary of the adoption of General Assembly resolution 2065 (XX), which had been the first to refer specifically to the question of the Malvinas Islands, and noted with satisfaction the significant contribution made by the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and

Peoples in its consideration of the question over the 50 years since the adoption of resolution 2065 (XX). In the same decisions, the respective Presidents Pro Tempore were asked to request the Secretary-General of the United Nations to renew his efforts to carry out the mission of good offices entrusted to him by the General Assembly and to inform them of the progress made in the fulfilment of that mission (see A/69/775 and A/69/782, annex).

37. The United Kingdom is not a member of the aforementioned organizations and has not been represented at any of the aforementioned meetings, with the exception of that of OAS, where it has observer status. The United Kingdom maintains its position that it rejects any suggestion that hydrocarbon exploration amounted to unilateral action on its part and was being carried out in contravention of General Assembly resolution 31/49, supports the Islanders in developing their own economy and future, including their decision to exploit their natural resources, and further rejects any suggestion that military assets in the South Atlantic were subject to reinforcement or that it was allegedly militarizing the region. Furthermore, in the view of the Government of the United Kingdom, none of the aforementioned regional statements or decisions fully reflects the legally binding principle of self-determination enshrined in the Charter of the United Nations or the modern relationship between the United Kingdom and its overseas territories. The United Kingdom maintains that regional statements by members of OAS and others as well as resolutions of the General Assembly do not modify or dilute the obligation of nations to respect the Falkland Islanders' right to self-determination, enshrined in the Charter.

IX. Future status of the Territory

A. Position of the administering Power

38. In a message to the Islanders, broadcast on 19 December 2014, the Prime Minister of the United Kingdom, David Cameron, reaffirmed the support of his Government to the Falkland Islanders in developing their economy. In his statement made on 10 June 2014 in London, the Minister of State at the Foreign and Commonwealth Office of the United Kingdom responsible for the Falkland Islands, Hugo Swire, reiterated the commitment of his Government to defending the Islanders and their right to self-determination for as long as was needed.

39. In addition, in a letter dated 10 February 2014 from the Permanent Representative of the United Kingdom addressed to the Secretary-General (A/68/747), in response to a letter dated 3 January 2014 from the Permanent Representative of Argentina addressed to the Secretary-General (A/68/698), the representative of the United Kingdom, stated that his Government attached great importance to the principle of self-determination as set out in Article 1, paragraph 2, of the Charter of the United Nations and article 1 of the International Covenant on Civil and Political Rights. His Government rejected claims by Argentina that the United Kingdom was militarizing the South Atlantic and reiterated its commitment to defending the rights of the people of the Falkland Islands to determine their own political, social and economic future. Furthermore, the United Kingdom fully supported the Falkland Islands Government's legitimate decision to establish and

manage a sustainable fisheries industry and to explore for hydrocarbon resources in Falkland Islands waters in full accordance with international law.

40. The Government of the United Kingdom further stressed that the first Joint Ministerial Council, held in December 2012, had issued a detailed communiqué in which the United Kingdom and its Territories had explained the nature of their relationship and had expressed their view that the General Assembly should remove Territories that wished to maintain their links with the United Kingdom from the list of Non-Self-Governing Territories.

41. Furthermore, the Government of the United Kingdom supported the statements made by two members of the Legislative Assembly of the Falkland Islands (Malvinas) during the hearing of petitioners at the 7th meeting of the Special Committee, on 26 June 2014, in which speakers stressed that in accordance with the Charter, the United Kingdom had accepted that all of its overseas territories should be given the freedom and assistance to pursue their own development and political futures; in terms of their political future, Falkland Islanders had voted freely in a referendum in 2013 to remain an overseas territory of the United Kingdom for the foreseeable future and had chosen the fourth option for achieving self-government established in General Assembly resolution 2625 (XXV), namely a political status freely determined by a people; according to General Assembly resolutions 1514 (XV) and 1654 (XVI), every Non-Self-Governing Territory was entitled to self-determination (see A/AC.109/2014/SR.7).

B. Position of the Government of Argentina

42. On 24 September 2014, at the 6th plenary meeting of the sixty-ninth session of the General Assembly, the President of Argentina, Cristina Fernández de Kirchner, stated that for more than 100 years, her country had had a claim against the United Kingdom on a matter of sovereignty and asked the Assembly again to call on the United Kingdom to sit down with Argentina to discuss the matter of the sovereignty of the Malvinas (see A/69/PV.6).

43. On 18 December 2014, the President of Argentina, in Buenos Aires, expressed her wish that the Government of the United Kingdom would follow the example of the United States of America, which had recently re-established diplomatic relations with Cuba, review its stance and resume sovereignty negotiations with Argentina on the question of the Malvinas Islands, in accordance with the relevant resolutions of the General Assembly.

44. The Permanent Representative of Argentina, in her letter dated 13 August 2014 addressed to the Secretary-General (A/68/978), responded to the letter dated 10 February 2014 from the Permanent Representative of the United Kingdom addressed to the Secretary-General (A/68/747); in her letter, she stated that the manner in which the United Kingdom selectively cited statements by international and regional forums, in an attempt to support a purported right to self-determination, was telling. She recalled that the General Assembly had explicitly denied that the principle of self-determination applied to the question of the Malvinas Islands, given the characteristics that made it a "special and particular" colonial situation. In this context, the representative referred to the instance in 1985 in which the General Assembly had rejected two attempts by the United Kingdom to amend the draft resolution on the question by including a reference to the principle

of self-determination and held that owing to the specific nature of the case, none of the General Assembly resolutions on the question accepted, stated or assumed that the principle of self-determination could apply.

45. Furthermore, Argentina considers the inhabitants of the Islands as a population implanted by the United Kingdom, as stated by Alejandro Betts during the hearing of petitioners at the 7th meeting of the Special Committee on 26 June 2014. The speaker, born in the Malvinas Islands and a permanent resident there for over 30 years, said that the United Kingdom was transferring population to the Islands, despite its clear mandate to decolonize them and despite the Organization's recognition that the Islands were the subject of a sovereignty dispute. Over 55 per cent of the population of the Malvinas Islands consisted of new settlers, and 35 per cent had lived there for less than 10 years, while native islanders made up almost the whole segment aged over 65. The Islands were not governed by true "Malvinenses", but by citizens of Great Britain who had settled there under a neocolonial regime. Argentina also supports the conclusion made by the speaker that resolving the sovereignty dispute would benefit not only the States involved, but also the inhabitants of the Territory (see A/AC.109/2014/SR.7).

X. Consideration by the United Nations

A. Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

46. The Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples considered the question of the Falkland Islands (Malvinas) at its 7th and 8th meetings, on 26 June 2014, as reflected in documents A/AC.109/2014/SR.7 and A/AC.109/2014/SR.8.

47. At its 7th meeting, the Special Committee decided to accede to the requests of the delegations of Argentina, Brazil, Colombia, Costa Rica, El Salvador, Ghana, Guatemala, Honduras, Italy, Jamaica, Mexico, Montenegro, Panama, Paraguay, Peru, Solomon Islands, Spain, Suriname, Turkey, Uganda and Uruguay to participate in the Committee's consideration of the item.

48. At the same meeting, during the hearing of petitioners and in line with usual practice, the Special Committee heard statements by Roger Edwards and Michael Summers of the Legislative Assembly of the Falkland Islands (Malvinas), as well as by Alejandro Betts and Marcelo Luis Vernet (see A/AC.109/2014/SR.7).

49. Furthermore, the representative of Chile, also on behalf of Bolivia (Plurinational State of), Cuba, Ecuador, Nicaragua and Venezuela (Bolivarian Republic of), introduced draft resolution A/AC.109/2014/L.7, which the Special Committee adopted without a vote. In the resolution, the Special Committee reiterated that the way to put an end to the special and particular colonial situation in the question of the Falkland Islands (Malvinas) was the peaceful and negotiated settlement of the dispute over sovereignty between the Governments of Argentina and the United Kingdom.

50. The Minister for Foreign Affairs and Worship of Argentina, Héctor Marcos Timerman, made a statement at the same meeting. He stated, among other things, that the special and particular colonial situation of the Malvinas Islands should be resolved through the resumption of negotiations between Argentina and the United Kingdom, in accordance with the 10 General Assembly resolutions on the matter. He further stated that the United Kingdom had been violating its obligation under the Charter to settle disputes peacefully so that justice and international peace and security would not been endangered. He also pointed out that not until 1966 had the United Kingdom opened negotiations on the Territory's sovereignty, in accordance with General Assembly resolution 2065 (XX), and further stated that those negotiations, which had lasted until 1982, had led to the approval of documents in which the United Kingdom had agreed to recognize Argentine sovereignty, including the 1968 memorandum of understanding and the 1974 British proposal to establish a condominium over the islands.

51. He further referred to the lack of demographic change in the Islands' population from 1901 to 2012, which had resulted from the British Government's strict control on migration, which had not been transparent and had the sole purpose of maintaining the occupation by preventing Argentines from settling on the Islands. With regard to the so-called referendum, Argentina had objected not to the nationality of the population but to the fact that the United Kingdom had been occupying an Argentine territory in violation of international law. The Minister also stated that many countries and international bodies supported the Argentine cause, including UNASUR and MERCOSUR, which had taken steps to stop the illegal exploration and exploitation of Argentine natural resources. He concluded that his Government would continue to explore every avenue in search of a peaceful settlement through negotiations, which should cover all aspects of the dispute.

52. At the same meeting, statements were made by the representatives of the Plurinational State of Bolivia (also on behalf of the Group of 77 and China), Brazil, China, Cuba, Indonesia, Nicaragua, the Russian Federation, the Syrian Arab Republic and Venezuela (Bolivarian Republic of).

53. Also on 26 June 2014, at the 8th meeting of the Special Committee, the representatives of Colombia, Costa Rica (also on behalf of CELAC), Ecuador, El Salvador, Guatemala, Honduras, Mexico, Papua New Guinea, Paraguay, Peru, Saint Vincent and the Grenadines, Sierra Leone and Uruguay made statements on the question of the Falkland Islands (Malvinas). The Minister for Foreign Affairs and Worship of Argentina made a further statement.

B. Special Political and Decolonization Committee (Fourth Committee)

54. On 7, 10, 13 and 14 October 2014, during the debate on decolonization issues in the Special Political and Decolonization Committee (Fourth Committee) of the sixty-ninth session of the General Assembly, the delegations of Argentina, Belize, Bolivia (Plurinational State of), Brazil, Chile, Costa Rica (also speaking on behalf of CELAC), Cuba, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua, Nigeria, Peru, Suriname (on behalf of UNASUR), the United Kingdom, Uruguay and Venezuela (Bolivarian Republic of) addressed the question of the Falkland Islands (Malvinas), as reflected in documents A/C.4/69/SR.2 and A/C.4/69/SR.5 to A/C.4/69/SR.7.

55. On 7 October 2014, the representative of Costa Rica, speaking on behalf of CELAC, among other things, reiterated its strong support for the legitimate rights of Argentina in the sovereignty dispute over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas and stated that the Heads of State and Government of CELAC, in the special communiqué adopted in its 2014 Summit, had, inter alia, stressed their abiding interest in the resumption of negotiations between the Governments of Argentina and the United Kingdom, recalled the importance of the parties refraining from taking decisions that would imply introducing unilateral modifications in the situation, underscored the constructive attitude and willingness of the Government of Argentina to reach a solution to the situation, and called on the Secretary-General to renew his efforts to fulfil the mission of good offices entrusted to him by the General Assembly with a view to the resumption of negotiations between the two parties.

56. The representative of Suriname, speaking on behalf of UNASUR, stated that the military presence of the United Kingdom in the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas was contrary to the region's policy of seeking a peaceful solution to the dispute and that UNASUR rejected both that presence and unilateral British activities in the disputed area, including the exploration and exploitation of Argentina's renewable and non-renewable natural resources and the conduct of military exercises in violation of General Assembly resolutions, in particular resolution 31/49, and referred to the note verbale sent to the Secretary-General by the Minister for Foreign Affairs of Suriname, in his capacity as Chair of the UNASUR Council of Ministers for Foreign Affairs (A/68/856), which had called on the Secretary-General to continue efforts aimed towards resuming a dialogue and against the introduction of unilateral modifications in the situation.

57. At the same meeting, the representative of Argentina stated that General Assembly resolution 1514 (XV) had made it clear that there was more than one form of colonialism and had established the two principles of decolonization applicable to different situations: self-determination and territorial integrity. Any attempt to allow the British population living in the islands to become the arbitrator of a dispute to which their own country was a party was a distortion of the right to self-determination because there was no people subject to the subjugation, domination or exploitation of a colonial Power.

58. The speaker also stated that the United Kingdom, in violation of General Assembly resolution 31/49, had been illegally carrying out unilateral activities of exploration and exploitation of renewable and non-renewable natural resources in the disputed area and referred to the ministerial declaration of 26 September 2014 by the Group of 77 and China in this context (see A/69/423, annex).

59. The representative further stated that the United Kingdom had also been conducting military exercises, including the firing of missiles from the Malvinas Islands, that were in violation of resolution 31/49 and incompatible with the regional policy of seeking a peaceful settlement to the dispute and had been denounced by various multilateral forums.

60. The representative concluded by stating that Argentina reaffirmed its commitment to resolving the sovereignty dispute over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas

through dialogue between two democratic Governments and with respect for the relevant resolutions of the United Nations (see A/C.4/69/SR.2).

61. For his part, on 10 October 2014, at the fifth meeting of the Fourth Committee, the representative of the United Kingdom stated that the relationship of the Government of the United Kingdom with its overseas territories, including the Falklands, was a modern one based on partnership, shared values and the right of the people of each Territory to determine whether to remain British. Should the people of a Territory choose to remain British, the United Kingdom would maintain and deepen its special relationship with them.

62. He went on to say that since the publication of a white paper entitled *The Overseas Territories: Security, Success and Sustainability*, the United Kingdom had been working closely with the territories to develop that partnership further. His Government had a fundamental responsibility to ensure the security and good governance of its overseas territories. The United Kingdom had strengthened the annual meeting with Territory leaders into a Joint Ministerial Council and had given it a clear mandate to lead work to review and implement the strategy and the commitments set out in the white paper. He added that in the 2013 communiqué of the Council, the United Kingdom and its territories had welcomed the result of the March 2013 referendum in the Falkland Islands, in which the Falkland Islanders had voted to remain an overseas territory, and called on all countries to accept the result of the referendum and support the Falkland Islanders in developing their home and economy. He concluded by saying that his Government, noting the fact that 99.8 per cent of the Falkland Islanders had voted to retain their link to the United Kingdom in the 2013 referendum, would in turn remain committed to their future development and continued security (see A/C.4/69/SR.5).

63. Speaking in exercise of the right of reply, the representatives of Argentina and of the United Kingdom reiterated their Governments' respective positions a number of times during the deliberations of the Fourth Committee (see A/C.4/69/SR.2, 5 and 7).

C. Action taken by the General Assembly

64. By its resolution 58/316, the General Assembly decided that the item entitled "Question of the Falkland Islands (Malvinas)" would remain on the agenda for consideration upon notification by a Member State. As at the date of the issuance of the present working paper, no such notification by a Member State to the Assembly had been received.

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Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Letter dated 15 June 2015 from the Permanent Representative of Cuba to the United Nations addressed to the Chair of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

I have the honour to request that the Declaration of Solidarity on the Question of the Malvinas, issued by the United Nations Association of Cuba and annexed hereto, be circulated as a document of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (see annex).

(*Signed*) Rodolfo **Reyes Rodríguez**
Ambassador
Permanent Representative

15-10682 (E) 300615 300615

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Annex to the letter dated 15 June 2015 from the Permanent Representative of Cuba to the United Nations addressed to the Chair of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Declaration of Solidarity on the Question of the Malvinas

17 April 2015

The United Nations Association of Cuba, coordinator of the working group on friendship and solidarity with Argentina on the question of the Malvinas, consisting of more than 30 experts, researchers, activists, teachers and people of good will, met with the Group on 16 and 17 April 2015 for a workshop entitled "Update on the question of the Malvinas". The participants analysed developments in and the current situation of the sovereignty dispute over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas, and categorically rejected the statements made by the British Minister of Defence in his country's Parliament on military spending in the Islands, which undoubtedly harm the prospects for peaceful settlement, dialogue and negotiation, the only ways to resolve the dispute.

The participants in the workshop, taking into consideration the proclamation of Latin America and the Caribbean as a Zone of Peace during the Second Summit of the Community of Latin American and Caribbean States, held in Havana in January 2014, and the continuing validity of resolution 2065 (XX), adopted by the United Nations General Assembly on 16 December 1965, and the more than 40 resolutions adopted by the Organization, and bearing in mind their working objectives aimed at defending the purposes and principles enshrined in the Charter of the United Nations and international law and at safeguarding just causes and solidarity with the peoples of the world, resolved to:

1. Reject the persistence of this colonial enclave in Latin America and the British Government's disproportionate and unjustifiable military presence in the Islands and the surrounding seas, including movements of nuclear-capable submarines into the nuclear-weapon-free zone established by the Treaty of Tlatelolco of April 1969, to which the United Kingdom of Great Britain and Northern Ireland is a signatory;

2. Affirm that a peaceful and negotiated settlement is the only possible means of resolving the sovereignty dispute between the parties and strengthening the climate of peace prevailing in the Latin American and Caribbean region, in accordance with the proclamation of the region as a Zone of Peace;

3. Urge the United Kingdom of Great Britain and Northern Ireland to resume negotiations with the Argentine Republic in order to settle the sovereignty dispute over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas, in accordance with resolution 2065 (XX), adopted by the United Nations General Assembly on 16 December 1965;

4. Reaffirm their unwavering support for the position of the Argentine Republic to resolve the sovereignty dispute with the United Kingdom of Great Britain and Northern Ireland over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas by peaceful means, which is a

concept enshrined in the Constitution of that sisterly nation, in accordance with the principles of international law and the proclamation of Latin America and the Caribbean as a Zone of Peace;

5. Request the United Kingdom of Great Britain and Northern Ireland to refrain from unilateral actions that violate the resolutions of the United Nations Special Committee on decolonization concerning the question of the Malvinas Islands;

6. Denounce the disrespectful policy of the Government of the United Kingdom of Great Britain and Northern Ireland to increase military spending in the Malvinas Islands based on its claim that Argentina constitutes a "threat";

7. Urge the States members of the United Nations Special Committee on decolonization to update the text of the resolution on the question of the Malvinas to accelerate implementation of its provisions and, in that regard, request the Secretary-General of the United Nations to urgently step up his good offices with a view to the resumption of negotiations on the subject by the Argentine Republic and the United Kingdom of Great Britain and Northern Ireland as soon as possible; and

8. Call upon all people of good will to join the international campaign in support of the cause of the Argentine people on the question of the Malvinas.